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Opinion of the Attorney General

Wallace E. Warner

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Opinion of the Attorney General

December 4, 1950

Mr. Sam H. Wilson
County Auditor
Bottineau, North Dakota

Dear Mr. Wilson:

Re: N.D. Rev. Code §§ 47-1007, 47-1905 (1943).
Your letter of the first inst. just received.

You ask our opinion as to what constitutes a "Post Office Address" of a grantee in a deed, as required by section 47-1007 and section 47-1905 N.D. Rev. Code.

In determining what constitutes a post office address, much must depend upon the reason the lawmakers had in mind for requiring such address to be given. Clearly, the intention of the legislature in drafting these two sections, which are part of chapter 249 Laws 1929, was to enable one concerned with the title to the real property described in the deed to contact the grantee. For this purpose the law required that his post office address be given. And just as clearly, the post office address intended was such a full and complete address as would enable the grantee to be reached by a letter addressed to the post office given. The postal authorities at Bottineau would have no trouble in delivering a letter addressed to Sam H. Wilson, Bottineau, North Dakota, but one addressed to him in Minneapolis, Minnesota, without giving street and number, or the name of an office building, etc. would have little chance for delivery.

It is therefore our opinion that the deeds which give the address of the grantee simply as Minneapolis, Minnesota, or Chicago, Illinois, or New York City, New York, do not comply with the requirements of these sections and are not entitled to record. Certainly, the recording of the deeds you refer to would not be an admission on the part of anyone that there were defects in the tax proceedings. Anyone having title to land may maintain an action to quiet his title. This is often done by holders of title acquired through tax sale proceedings.

Very truly yours,

Wallace E. Warner,
Attorney General.